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OFFICE OF PETITIONS

In re Application of :
Shinji NARA et al :
Application No. 10/561,415 : DECISION ON PETITION
Filed: December 19, 2005 :
Attorney Docket No. 00005.001281. :


This is a decision on the petition filed on November 3, 2008, requesting under 37 CFR 1.182, that the acceptance of the terminal disclaimer filed May 6, 2008 be withdrawn.

The petition is **GRANTED**.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, to determine his opinion on the obviousness-type double patenting rejection, and has found that the examiner concurs with petitioners' assertion. Specifically, petitioner has a required carbonyl group present in the amended claims. The examiner has indicated that the carbonyl group renders the terminal disclaimer no longer necessary. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

The 37 CFR 1.182 required petitions fee of \$400.00 has been charged to petitioner's deposit account number 06-1205.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions